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ADVISORY SERVICES IN THE FIELD OF HUMAN RIGHTS

Technical cooperation with the Government of Paraguay in the sphere of human rights

CONTENTS

		Paragraphs	Page
Introduction		1 - 9	2
I.	OUTSTANDING FEATURES OF COOPERATION WITH PARAGUAY	10 - 25	3
	A. Democratic transition and human rights	10 - 17	3
	B. Human development and external cooperation	18 - 25	4
II.	CENTRAL OBJECTIVES OF THE COOPERATION PROJECT IN THE FIELD OF HUMAN RIGHTS	26	6
III.	ACTIVITIES UNDERTAKEN AND RESULTS ACHIEVED IN THE EXECUTION OF THE PROJECT	27 - 53	7
	A. Legal reform	27 - 33	7
	B. Institutional reform	34 - 39	8
	C. Constitutional reform	40 - 46	10
	D. Promotion of, and training in, human rights	47 - 53	11
IV.	ACTIVITIES TO ASSIST VULNERABLE GROUPS AND SUPPORT FOR THE WORK OF NON-GOVERNMENTAL ORGANIZATIONS	54 - 89	12
V.	CONCLUSIONS	90 - 98	18
VI.	RECOMMENDATIONS	99 - 103	19

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Introduction

Background

1. Immediately after the events that culminated in the overthrow of General Stroessner, the new constitutional authorities of Paraguay, elected in May 1989, requested United Nations technical assistance in various areas of cooperation, human rights being one of the first in which such assistance was provided. In June and July 1989, the first consultations were held and in April 1990 the Government of Paraguay, the Centre for Human Rights and the United Nations Development Programme (UNDP) concluded a first technical cooperation agreement in the field of human rights (PAR/90/003/01/99). Its primary objectives were: (a) to identify assistance and cooperation needs in this field; (b) to determine areas of cooperation; and (c) to define procedures for its execution. In order to carry out the task of evaluation, consultations between the signatories to the agreement and the formulation of proposals, the Centre for Human Rights offered the assistance of the expert who is writing this report.

2. The most outstanding results of this preliminary phase of collaboration, which took place during just a few months in 1990, included the establishment of the Directorate-General for Human Rights within the Ministry of Justice and Labour, the training of personnel to work in the Directorate and, above all, the formulation of a cooperation project (CHR/ADV.SERV./1991), which expanded the previous project and served as a framework for all the various activities that took place between 15 August 1991 and 15 August 1993, the date on which it came to an end.

3. As a result of the favourable conditions prevailing in Paraguay, which enabled all the activities originally proposed to be carried out, in August 1993 agreement was reached on the further expansion of the project by means of an additional contribution by the Centre for Human Rights to the organization of further action, to take place from 15 to 19 November 1993, relating to the indigenous populations, with the participation of foreign and Paraguayan experts.

Methodology

4. The purpose of this report is not so much to give a detailed description of each of the activities undertaken and the results achieved on a sector-by-sector basis as to describe the experience of cooperation with Paraguay, through its most outstanding and original features, namely:

(a) The indissoluble link between democracy and human rights as the cornerstone of the process of transition to democracy which is under way in this country. On this basis, what is aimed at is to assess the impact of cooperation in the field of human rights, with regard to the unfolding of the transition process and the permanent consolidation of the democratic system;

(b) The incorporation of the concept of human development as a matrix and vector for the cooperation programmes. For this reason, the principal purposes of this report include, firstly, emphasizing the complementarity which exists between this approach and that outlined under (a) above, and

secondly, demonstrating clearly the positive effect on the overall situation in Paraguay of the inclusion of the areas of human priority among the goals and objectives of external cooperation.

5. In the final analysis, what we are trying to demonstrate by means of this experience and through the use of both analytical parameters is precisely the link which exists between human rights, democracy and human development.

Structure of the report

6. For the reasons mentioned above, the present report begins with a description of the context in which technical cooperation is taking place: firstly, the process of political transition currently under way in Paraguay; and secondly, the causes of the change of approach which occurred in the area of cooperation. This in turn explains why the parameters used to measure results are (a) the progress achieved in the field of human rights, and (b) the attainment of the objectives and goals of human development. Chapter I of this report deals specifically with these two questions.

7. Chapter II reviews the central objectives of the cooperation project, while chapter III describes the activities undertaken and the results achieved in the execution of the project.

8. Chapter IV outlines the main activities in support of the most vulnerable groups in society and describes the support given to the work of the non-governmental organizations (NGOs).

9. The conclusions refer to the most valuable aspects of the cooperation experience and emphasize those which, because of their relevance or originality, may serve as an example for other situations. And lastly, among the recommendations made, we advise maintaining and even increasing cooperation in the field of human rights.

I. OUTSTANDING FEATURES OF COOPERATION WITH PARAGUAY

A. Democratic transition and human rights

10. As is well known, Paraguay is a country which during the past three decades experienced one of the longest and harshest dictatorships in Latin America. During General Stroessner's military regime, which lasted 34 years, all public and private freedoms were severely curbed. Almost throughout this period, the state of siege remained in force. As a result of the prevailing political, social and economic conditions, thousands upon thousands of persons were obliged to leave their homes and emigrate to other lands in search of well-being or refuge.

11. The international community's concern about this situation of flagrant and systematic violations of human rights was clearly reflected in Paraguay's treatment at the hands of the various international human rights supervisory bodies, in particular the Commission on Human Rights, in which Paraguay was under examination for almost two decades, and the Sub-Commission on Prevention of Discrimination and Protection of Minorities (confidential procedure).

12. Nevertheless, during the past four years the situation in Paraguay has undergone fundamental changes. In the night of 2/3 February 1989, General Stroessner, at that time the oldest dictator in the whole continent, was overthrown and the new de facto authorities, before the country and the international community, made a commitment to respect human rights and restore the democratic system of government. Shortly afterwards, General Andrés Rodríguez was elected constitutional President in the first free and democratic elections in the whole history of Paraguay.

13. In parallel with these events, the rule of law was restored and political pluralism was installed in national life. All exiles were able to return to Paraguay and many of them now occupy important posts in the various spheres of the Government and Parliament.

14. In accordance with the desire of the majority of the population to live in a State governed by the rule of law, the Constitution was comprehensively reformed and the main international human rights instruments were ratified.

15. Over and above the legal and political significance of these acts, they undoubtedly reflect the unequivocal will of the Government, and of society as a whole, to acknowledge that they are parties to the international community and thus to end Paraguay's traditional isolation.

16. In addition, the legal time-limits set for the holding of elections have been scrupulously adhered to. In the first elections held for the office of Mayor of Asunción, the capital, the winner was Mr. Filizola, a member of the opposition. In August 1993, Mr. Juan Carlos Wasmosy, an engineer by profession, took office as the new constitutional President of Paraguay; he had emerged triumphant from the general election of 9 May 1993, in which the political opposition forces won a majority in Congress. This was undoubtedly a milestone in Paraguayan history since it was the first time a constitutional President had handed over power to another President freely elected by the people.

17. During this period, human rights were not only an essential pillar of the transition in the domestic sphere, but also played a decisive part in the recovery of external credibility; they thus became one of the main factors which contributed to Paraguay's re-entry into the international community.

B. Human development and external cooperation

18. Traditionally, the concept of development has had an eminently economic connotation. It defined a country's growth and was regularly expressed in figures, percentages or mathematical formulas. Thus, for many years, both politicians, and economists and development planners used average per capita income as an indicator of a country's progress or decline. Consequently, many national development activities centred exclusively on economic growth, frequently ignoring the human dimension of development and the positive impact of social investment on the acceleration of such growth.

19. In recent years, however, this extremely "economic" approach, which somewhat schematically identifies "economic growth" with "development", has begun to be revised and an extremely interesting debate has begun in various spheres of international life. Thus, for example, the most recent UNDP reports on human development reflect this salutary change. In these reports, economic growth is added to other basic human indicators, such as life expectancy, adult illiteracy and infant mortality, so as to constitute the overall concept of human development. What has in fact been done is to incorporate new development evaluation parameters which are as reliable as the previous parameters, but far more revealing of the real economic, social and cultural progress of peoples.

20. This attempt at clarification stems from a fact which is as true as it is verifiable: not all economic growth necessarily brings with it well-being for the whole population. On the contrary, it happens with regrettable frequency, that progress achieved in that indicator is not in practice reflected in equal benefit for all sectors of society.

21. For these reasons, and in order to define the concept of human development even more closely, growth must be viewed not only in quantitative terms, but also in qualitative terms. Account must be taken not only of economic expansion, but also of the equitable distribution of its results. In addition, development must be "sustainable"; in other words, the satisfaction of current needs must be effected through rational and appropriate use of existing natural resources, without jeopardizing the supply or destiny of future generations.

22. In line with the approach already adopted in the various specialized human rights organizations, for UNDP the participation of the population in decision-making is one of the essential ingredients or engines of development. This statement implies, inter alia, that development must be the development of people, by people and for people; in other words, development must be built around people, and not people around development.

23. In short, the concept of human development could be said to be based on a simple and fundamental conclusion: if the aim is to evaluate objectively a country's level of development, in addition to its economic growth, we must examine the extent to which all its inhabitants have genuine access to the effective exercise of their economic, social and cultural rights, participate in political affairs and fully exercise freedom.

24. Briefly speaking, the merit of this approach is twofold because it incorporates all human rights as an indissoluble component of development and because, as we shall see in this report, it breaks down the traditional barriers of international technical and economic cooperation by incorporating the social aspect and the areas of human priority among its principal goals and objectives.

25. The most tangible effect of the combination of these three elements - democratic transition, human rights and human development - was (a) the conspicuous increase in external cooperation, and (b) the rapid expansion and diversification of such cooperation, which in a short time reached substantial

segments of State administration and the activities of associations and NGOs, even encompassing non-traditional areas or sectors such as human rights, constitutional reform, ecological conservation, protection of the cultural heritage of the indigenous populations, the problems of rural women, children, disabled persons and other vulnerable sectors of society.

II. CENTRAL OBJECTIVES OF THE COOPERATION PROJECT IN THE FIELD OF HUMAN RIGHTS

26. The main objectives of the human rights project include:

(a) Legal reform

(i) Promoting the ratification of the various international instruments for the protection of human rights;

(ii) Providing technical assistance to ensure that domestic legislation is properly aligned with the international instruments.

(b) Institutional reform

Providing advice on the establishment and operation of a Directorate-General for Human Rights within the Ministry of Justice and Labour, as a focal point for governmental activities in this field; providing the basic infrastructure necessary for its operation; and promoting similar reforms in other areas of the State.

(c) Constitutional reform

Cooperating in the reform of the national Constitution by promoting the incorporation of provisions to guarantee adequate protection of human rights and fundamental freedoms.

(d) Promoting knowledge of human rights and human rights teaching and training by means of training courses, fellowships, seminars and other forms of publicity.

(e) Activities in support of the various vulnerable social groups: women, children, disabled persons, indigenous populations, etc.

(f) Supporting and stimulating the contribution of the non-governmental human rights organizations.

III. ACTIVITIES UNDERTAKEN AND RESULTS ACHIEVED IN THE EXECUTION OF THE PROJECT

A. Legal reform

1. International treaties recently ratified by Paraguay

27. Under the Stroessner regime, which lasted from 1954 to 1989, Paraguay's international isolation was not only political but also legal, since the Government had systematically refused to sign almost all the international instruments for the protection of human rights that had become international law since the 1970s.

28. From the very beginning of the democratization process in February 1989, however, the new authorities demonstrated their desire to rejoin the international community by ratifying most of the international agreements for the protection of human rights.

29. Consequently, after only four years of democracy, Paraguay has ratified the following treaties:

(i) The American Convention on Human Rights or Pact of San José, Costa Rica. Symbolically, the Act ratifying the Convention bears the number "1" and the ratification took place on 14 July 1989. At the end of 1992, the Executive endorsed Parliament's request and recognized the competence of the Inter-American Court of Human Rights;

(ii) The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the Inter-American Convention to Prevent and Punish Torture were ratified on 23 January 1990 and 9 March 1990 respectively;

(iii) The Convention on the Rights of the Child was signed on 4 April 1990 and ratified the following year on 25 September 1991;

(iv) In 1992, Paraguay acceded to the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights;

(v) On 19 July 1993, ILO Convention No. 169 concerning Indigenous and Tribal Peoples in Independent Countries was ratified;

(vi) Significant advances have also been made in the field of international humanitarian law. On 30 November 1990, for example, Paraguay acceded to Additional Protocols I and II of 1977 to the Geneva Conventions of 1949, the first of which relates to the protection of victims of international armed conflicts and the second to the protection of victims of non-international armed conflicts;

(vii) Important steps have been taken with regard to asylum and refugees. The Executive lifted the "geographical reservation" on the 1951 Convention relating to the Status of Refugees.

2. Alignment of domestic law with international law

30. With the enormous impact produced by the above-mentioned measures on the national order, the arduous task of aligning domestic law with international law naturally become one of the main and immediate priorities of cooperation.

31. Parliament's decision to repeal Acts Nos. 209 and 294, used perversely by the former regime to persecute opponents, stifle the exercise of civil liberties and commit all types of human rights violations, was the first major step in this area.

32. However, the comprehensive reform of a national legal system involves not only dismantling the arsenal of existing repressive laws, but replacing them with others which adequately safeguard the basic rights of every individual. In this regard, the technical assistance provided took account of a number of critical aspects of the Paraguayan situation, namely, the obsolescence of most of the existing criminal legislation, the large number of unconvicted prisoners and the notorious slowness of the judicial system caused by a non-transparent and completely inefficient and torpid criminal procedure.

33. In this respect, a commendable contribution was made by another decisive force for cooperation in Paraguay, namely, the Crime Prevention and Criminal Justice Branch of the United Nations, based in Vienna. Working closely with the local office of UNDP and the Centre for Human Rights in Geneva, the Branch conducted a number of studies and made a series of recommendations for updating criminal legislation in the form of a preliminary draft penal code. Along the same lines, a set of proposed reforms of criminal procedure is intended to rectify the glaring deficiencies in existing legislation, which is based on an extremely slow and inefficient written and inquisitorial procedure. Among the proposed innovations agreed to by the authorities are the introduction of oral and public proceedings and a much shorter and more transparent criminal procedure.

B. Institutional reform

1. Establishment of the Directorate-General for Human Rights

34. The establishment of an office to promote and coordinate all State activities in the field of human rights was, from the outset, one of the cornerstones of the cooperation project. In accordance with the guidelines agreed with the United Nations, the Executive approved Decree No. 8,009 of 24 December 1990 establishing the Directorate-General for Human Rights as a department of the Ministry of Justice and Labour. The area of competence and functions of this department are wide-ranging, covering the whole field of promotion, dissemination and protection of human rights. Its main functions include:

(a) Promoting the dissemination of human rights as an effective means of guaranteeing their observance and consolidating the democratic system;

(b) Cooperating with relevant institutions to promote the teaching of human rights at the primary, secondary and university levels, and in non-formal education; major activities include the first "children's elections" held in October 1992 in 14 departments, including Asunción. The main purpose of these elections was to familiarize children, parents and teachers with the content of the Convention on the Rights of the Child. Children were asked to select 4 of the 15 rights embodied in the Convention which they regarded as most important, with pupils from the fourth to sixth grades being encouraged to vote. In addition to the election, the training courses which preceded it, the teaching materials distributed and the publicity given by the various media contributed largely to the attainment of the desired objective. Apart from the impact on those directly involved and on public opinion in general, training was given to 53 primary school inspectors, 1,753 principals of public and private schools, and 7,520 primary-school teachers. In conjunction with the Ministry of Education and Worship, basic training courses for teachers are being conducted, a start has been made on a practical manual for the teaching of human rights at primary and secondary levels, and work is in progress with the Curriculum Department on curriculum revision and the introduction of the subject at the various levels of education;

(c) Another major task of the Directorate-General is to promote the alignment of domestic legislation with international agreements or treaties, as referred to above. Authority to receive complaints of alleged violations of human rights has been exercised in practice through the Attorney General;

(d) One area in which the Directorate-General's action has been highly productive has been in providing information to the Ministry of Foreign Affairs to enable it to reply to requests from the various international human rights agencies. In this respect, the Directorate has helped with the preparation of the reports submitted by Paraguay in accordance with the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of the Child and both international covenants on human rights;

(e) Another of the Directorate's functions is to act as a focal point for all documentation on human rights. The material contributed by the United Nations and OAS is extremely copious and may be consulted by the public at the offices of the Directorate, which has set up a special unit for this purpose.

35. Furthermore, in accordance with the terms of the cooperation project, the United Nations has provided the Directorate with its basic operational equipment: fax equipment, computers, etc. The project consultant has also regularly acted as adviser to the Directorate.

2. Cooperation with the Attorney General and other State entities

36. With the growing involvement of the Public Prosecutor's Department in the protection of human rights in Paraguay, as in most Latin American countries, many cooperation activities were carried out in conjunction with the Attorney General's Office, with a view to providing training for its officials.

37. The Supreme Court is itself making a vigorous effort in the area of computerization and data processing on the basis of the recommendations put forward by the Crime Prevention and Criminal Justice Branch in Vienna.

38. Reform of the prison system has been the subject of numerous reports and recommendations by international experts and consultants. In every instance, the Standard Minimum Rules for the Treatment of Prisoners and the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (Beijing Rules) have been taken as a reference point.

39. To sum up, judicial reform as proposed under the cooperation project has been far-reaching and comprehensive, and also covers the appointment of judges, a new Code of Organization of the Judiciary and the formation of the Judicial Police and the School for the Judiciary.

C. Constitutional reform

40. Constitutional reform represented one of the most crucial aspects of the transition, in that it involved the most radical legal and institutional reform in the whole process. It reflects the desire and determination of the Paraguayan people to do away with authoritarianism and to lay the physical and ideological foundations for democracy, with the rule of law, political pluralism and freedom of the individual as its fundamental values.

41. For these reasons, it is readily understandable why, from the outset, the United Nations considered the promotion, encouragement and support of constitutional reform to be one of the central objectives of cooperation. In this regard, the most important and effective undertaking, in which the United Nations played a decisive part, was the international symposium on a comparison of constitutional reforms, held in Asunción from 5 to 8 November 1991, on the eve of the general elections in which the members of the Constituent General Assembly were elected.

42. The symposium's main objective was to stimulate and encourage national discussion and to provide future representatives and public opinion in general with a frame of reference for comparison with other recent constitutional reforms, particularly in Latin America, which might orient and enrich the fertile national debate.

43. The statements of the various participants, who were constitutional experts from Latin America and Spain, were combined in a single volume bearing the title of the symposium, which proved highly useful during the six months spent on the comprehensive reform of the Constitution.

44. As for the content of the new Constitution, an appropriate balance was achieved between the various powers of the State and a modern conception of justice, the judicial system and the Public Prosecutor's Department, as an entity independent of the Executive.

45. With regard to rights and guarantees, the provisions governing the state of emergency and the various amparo and habeas corpus procedures are of overriding importance. Apart from the provisions on the most vulnerable social groups, which will be taken up later, those which embody the right to

conscientious objection, the preservation of a decent environment and the protection of what have been called the "diverse interests of the community" also deserve praise. In view of Paraguay's recent history, the provisions embodying the right of asylum and prohibiting any form of exile or ostracism are of particular significance.

46. Finally, with regard to the order of precedence of the constitutional provisions, articles 137 and 142 are decisive. The first establishes the precedence of international treaties and agreements over national legislation and the second provides that international treaties on human rights may not be denounced except in accordance with the procedures laid down for the amendment of the Constitution.

D. Promotion of, and training in, human rights

47. The first event to take place in this connection was the seminar on the implementation of international human rights instruments and the administration of justice, organized jointly by the Centre for Human Rights, UNDP and the Directorate-General for Human Rights. It was held in Asunción from 18 to 20 July 1990, and the statements of speakers were published in a single volume which bears the title of the seminar.

48. The purpose of the seminar was to promote understanding of the implementation of international instruments in national law and, indirectly, to encourage the ratification of those instruments to which Paraguay was not yet a party. The widespread interest which the seminar aroused is clearly evidenced by the very large attendance. Almost 100 persons, including judges, civil servants, law-enforcement personnel, lawyers and members of NGOs, attended regularly and the closing ceremony, which was addressed by the President of Paraguay, General Andrés Rodríguez, the former President of Argentina, Raúl Alfonsín, and the former President of Brazil, José Sarney, was attended by over 500 persons.

49. In order to further the training of judges, lawyers, members of the Public Prosecutor's Department, security personnel, members of NGOs and, in particular, persons likely to be involved in the shortly-to-be-created Directorate-General for Human Rights, an in-depth training course in human rights was held at the UNDP offices in Asunción from 21 October to 2 November 1990.

50. With the same end in view - although in this case limited to State officials - the first interdisciplinary course on human rights was held at the headquarters of the Directorate-General for Human Rights from 30 September to 4 October 1991. Emphasis was placed on the responsibility of the State and its representatives for responding adequately and promptly to requests for information and any others made by the various international human rights bodies.

51. In order to cover in depth the delicate question of the repatriation of Paraguayan citizens who, in past decades, had been forced to leave the

country, UNHCR, the Comité de Iglesias, the Directorate-General for Human Rights and UNDP organized a seminar at the UNDP office on 18 and 19 July 1991 to commemorate the fortieth anniversary of the 1951 Geneva Convention relating to the Status of Refugees.

52. With a view to improving the training of the various officials of the Public Prosecutor's Department, as well as judges, lawyers, police and security personnel, members of NGOs working in prisons, etc., the Office of the Attorney-General, the Directorate-General for Human Rights, UNDP and the Centre for Human Rights organized an international seminar on the administration of justice and criminal investigation and on measures to strengthen their effectiveness and ensure proper observance of human rights. The seminar was held at the premises of the Supreme Court from 10 to 20 June 1992. It was attended by distinguished Latin American and Spanish jurists and, in addition to achieving its intended objectives, provided a meeting-point and on opportunity for exchanging ideas between the various bodies involved in all stages of criminal procedure. It became clear that coordination among the various parties involved in criminal investigation is a prerequisite for improving efficiency.

53. Finally, again in connection with training in human rights, the United Nations offered five specialized fellowships enabling Paraguayan citizens to study abroad, most of which were taken up at the Centre for Human Rights in Geneva, the Inter-American Institute of Human Rights in Costa Rica, the International Institute of Human Rights in Strasbourg and the International Training Centre for Teachers of Human Rights and Peace (CIFEDHOP) in Geneva.

IV. ACTIVITIES TO ASSIST VULNERABLE GROUPS AND SUPPORT FOR THE WORK OF NON-GOVERNMENTAL ORGANIZATIONS

Women and children

54. The situation of women, particularly in rural areas, as well as that of children, is particularly serious in Paraguay.

55. Over one third of Paraguay's population of 4,123,000 is under 13 years of age. In general it is estimated that some 60 per cent of children under five years of age suffer from malnutrition. Infant mortality rates are extremely high, ranging from 40 per 1,000 in the case of children under one year of age to 62 per 1,000 in the case of those under five. As regards education, it is estimated that some 40 per cent of children fail to complete their schooling in rural areas.

56. The plight of women (quite apart from the persistence of certain inherited cultural stereotypes, undoubtedly accentuated by the previous authoritarian regime) is illustrated by the fact that maternal mortality (380 per 100,000) is the second highest in Latin America, and means that one out of every 200 pregnancies ends with the death of the mother; although precise figures are lacking, it is estimated that the percentage is even higher in rural areas.

57. This situation, which is certainly a cause for concern, has not only caught the attention of the authorities but has also mobilized all democratic segments of society. And that concern is in turn clearly reflected in the new article of the Constitution which, apart from proclaiming quality of rights between men and women, states that it is the duty of the State, family and society to ensure the harmonious and comprehensive development of children, as well as the full enjoyment of their rights (arts. 48 and 50).

58. However, in order to translate these provisions into practice, the country's authorities have had to seek the cooperation of outside bodies with a view to the formulation of policies and the implementation of programmes intended to satisfy in a suitable manner the pressing needs of these two segments of the population.

59. In this respect it should be made clear that, although both these problems have always been borne in mind in connection with the various activities carried out under the human rights project, it was through the human resources development project that both the United Nations and the Government channelled their main efforts in support of these groups. Over US$ 12 million was mobilized for this programme, the Government being the main contributor; the programme is designed to improve living conditions for the most disadvantaged segments of society, namely, children and women in rural areas.

60. The programme is intended, among other things, to:

(i) Benefit over 100,000 children of school age by providing supplementary nutrition and health care (school breakfasts and lunches);

(ii) Encourage the establishment of community vegetable gardens;

(iii) Combat endemic goitre, which affects 60 per cent of schoolchildren, through the distribution of iodized oil capsules;

(iv) With respect to the situation of women in rural areas, the programme is designed to promote their training and greater participation in matters affecting their day-to-day interests or concerns, and particularly those connected with the family's livelihood and their self-esteem.

61. Another of the programme's objectives is to facilitate women's access to information and particularly to promote an understanding of their rights and obligations as citizens. It is intended, by enhancing their self-esteem, to increase the participation of women in decision-taking and in the formulation of requests for services, etc. Lastly, the programme was drawn up and will be evaluated in the light of its impact not only on women but also on the family environment.

62. One of the most important devices used in the programme as a means of achieving its objectives has been the promotion of so-called "women's committees", since experience in other countries has shown that such bodies offer the most suitable context for dialogue, exchanges of ideas and training.

63. From the institutional standpoint, not only UNDP but also various ministries are associated with the programme, although its implementation is the responsibility of the Department of Public Welfare and Social Assistance.

64. Moreover, the programme is part of, and supplemented by, other projects undertaken by the World Food Programme, UNICEF, which is implementing a child survival project, the United Nations Population Fund (UNFPA), which is carrying out activities in support of women in rural areas, the International Fund for Agricultural Development (IFAD), etc.

Indigenous peoples

65. As in most of the other Latin American countries, the indigenous peoples of Paraguay have been victims of extensive discrimination, which has increasingly brought about their marginalization and pauperization. Yet the cultural wealth of such communities is enormous. In recent years, and in a way paralleling the democratization of the country, Paraguayan society has begun to show much more awareness of this problem, which affects over 100,000 persons comprising 17 native ethnic groups.

66. The improvement of the difficult situation of these peoples obviously constitutes one of the ongoing concerns of the United Nations and one that is clearly reflected in all its programmes or activities which, either directly or indirectly, concern this sector. For example, the well-known Paraguayan writer Augusto Roa Basto, a UNDP consultant, speaking at the International Symposium on a Comparison of Constitutional Reforms, presented an impassioned defence of the indigenous peoples of his country and addressed an appeal to the legislators that they should recognize in the Constitution they were about to draw up the multicultural and multi-ethnic nature of Paraguayan society. Subsequently, when the Constituent Assembly had met, it was most encouraging to note that the six articles of the new Constitution relating to indigenous peoples were adopted unanimously.

67. For example, article 62, entitled "Indigenous peoples and ethnic groups", states that "this Constitution recognizes the existence of indigenous peoples and cultures prior to the establishment and formation of the Paraguayan State".

68. Furthermore, article 63, which concerns ethnic identity, recognizes and guarantees:

> "the right of indigenous peoples to maintain and develop their ethnic identity in the areas where they live. They also have the right, without let or hindrance, to their own political, social, economic, cultural and religious structures, as well as voluntarily to submit to their customary rules that regulate their communal life, providing that such structures are not at variance with the fundamental rights embodied in this Constitution. Customary indigenous law shall be taken into account in legal disputes."

69. Article 65 states that the indigenous peoples:

"have the right to communal ownership of land, the area and quality of which shall be adequate for the maintenance and development of their characteristic ways of life. This land, which shall be made available by the State free of charge, shall not be subject to seizure, is indivisible, non-transferable and imprescriptible, may not be used as security in respect of contractual obligations or leased, and shall also be exempt from taxation. They may not be displaced or resettled without their express consent."

70. Article 65, moreover,

"guarantees the indigenous peoples the right to participate in the economic, social, political and cultural life of the country in accordance with their customary usages, the Constitution and national laws".

71. Article 66 stipulates that:

"The State shall respect the special cultural characteristics of the indigenous peoples, particularly in matters concerning formal education. It shall, moreover, take steps to protect them against demographic decline, the degradation of the areas where they live, environmental pollution, economic exploitation and cultural alienation."

72. Lastly, article 67 states that "members of indigenous peoples shall be exempt from social, civil or military services, and from legal public obligations".

73. A word must also be said about the seminar organized jointly by the Paraguayan Indigenous Institute, the Directorate-General for Human Rights, UNDP, the International Labour Organisation and the Chamber of Deputies with a view to informing indigenous leaders of the scope and content of ILO Convention No. 169 and studying possibilities of the ratification of this Convention, which took place on 19 July 1993.

74. Although it is Paraguayan society as a whole that is experiencing the serious consequences of the country's growing ecological deterioration (deforestation, gradual soil erosion, danger of extinction of certain wild species due to illicit traffic in skins and furs, etc.), it is certainly the indigenous peoples who are the main victims. With a view to increasing public awareness of this problem, both within the country and abroad, and at the same time protecting the priceless cultural heritage of the indigenous peoples, a UNDP film crew whose films are widely distributed throughout the world under the name AZIMUTH made a film in Paraguay entitled "Constitution in a multi-ethnic country", which will be distributed this year, the International Year for the World's Indigenous People.

75. It should be added that this film crew has made two other films in Paraguay: one on the progress made and the challenges being met in the field of human rights, and the other on micro-enterprises. The latter highlights the joint efforts being made by the Government, the United Nations and various

private groups to make credit more easily available to the most disadvantaged segments of the population (pedlars, small artisans, etc.) by promoting the extension of credit facilities to small cooperatives or micro-enterprises.

Disabled persons

76. The factors that produce deficiencies or disability, in addition to those that are common to many other Latin American countries, such as poliomyelitis, leprosy, measles, German measles, tetanus, meningitis, Down's syndrome, alcoholism, etc., include, in the specific case of Paraguay, child malnutrition and iodine deficiency which, during the first year of life, predispose to deaf mutism and mental defects, and are among the main causes of disability. The impact of these factors is in turn considerably enhanced by deficient prenatal and perinatal conditions and illnesses during pregnancy.

77. Although no accurate statistics are available on the total percentage of persons suffering from various types of physical, mental or sensory deficiencies amounting to disability, it is estimated that over half a million Paraguayans are affected. The various studies carried out reveal that the largest number of persons suffering from disability live in rural areas, where poor health conditions and the lack of suitable rehabilitation facilities further aggravate their precarious situation.

78. The most telling measures taken by the Government during the transition include the establishment of the Department of Public Welfare and Social Assistance (DPWSA) and the allocation of considerable resources to finance its activities in support of disabled persons.

79. As for foreign cooperation, the first important step was taken by the Vienna Centre for Social Development and Humanitarian Affairs which, in April 1991, asked its interregional advisers to prepare a report for the Government of Paraguay. Later on, UNDP, in close cooperation with the Vienna Centre, engaged an expert from the Generalitat de Cataluña (Spain) who, together with a team from DPWSA, drew up a comprehensive action plan for disabled persons.

80. This plan was used as a basis for the preparation of an ambitious cooperation project whose implementation is to begin this year and which is to be financed jointly by UNDP and DPWSA, additional contributions coming from the Government of Spain and ILO.

81. Another noteworthy development in recent years has been the increasing role played by NGOs headed by disabled persons and reflecting their personal initiatives, such as the organization of the "workshops" for the development of strategies, submission of projects, evaluation of programmes, etc. For example, the proposal to include a specific article in the country's new Constitution - which subsequently became article 58 entitled "The rights of persons in exceptional situations" - was a result of this kind of approach and the exchanges between the parties concerned.

82. Lastly, in November 1992 the Centre for Human Rights, UNDP and DPWSA provided financial support for the first Seminar on Disability, Partnership and Participation in Community Development, held in Asunción under the

auspices of the Directorate-General for Human Rights and organized by a group of NGOs that are extremely active in matters of disability. In this case, as well as in others, the guiding principle followed by the United Nations was to make those directly concerned fully responsible for the organization and conduct of the event. The objective is to get them to manage their own affairs, enhance their self-esteem and above all draw attention to the enormous potential of this segment of the population that has not always been put to good use.

Support for the work of non-governmental organizations

83. Until quite recently, the international community was rather reluctant to go along with the idea that the local offices that represented and coordinated the United Nations system should have the power to deal with human rights problems at the national level. The implication was that these problems were too sensitive for Governments and could therefore undermine the confidence and collaboration on which technical cooperation was based. For this reason, contact with, and even support for, national NGOs concerned with the protection of human rights was regarded as very risky.

84. Yet in Paraguay's case all these fears proved groundless during the transition process.

85. Quite apart from the various forms of support provided by the Centre for Human Rights, UNDP and the Vienna Centre for the activities of national NGOs and described above, the most striking feature throughout this process has been the establishment of close contact and cooperation between those NGOs and the local office of the United Nations. On this basis, it was possible jointly to embark upon a large number of activities ranging from the distribution of books, documents, posters and films dealing with human rights in places or premises that were easily accessible to the public, to the implementation of training projects with organizations that were well established in key sectors of society and which had considerable experience in the field of non-formal education.

86. The local office has also regularly associated itself with the activities organized by the NGOs in celebration of 10 December of each year as Human Rights Day.

The terror archives

87. The recent discovery of the archives of the political police of the previous regime was an unusual event of major importance, since it revealed to society an unvarnished picture of the diabolical nature of that regime.

88. Owing to the enormous amount of documents discovered and the importance of their contents, the judicial authorities and the Public Prosecutor's Department immediately requested technical assistance from the United Nations in order to be able to process the information they contained. In response, UNDP offered the cooperation of the Executive Secretariat of the Argentine National Commission on the Disappearance of Persons (CONADEP), which was responsible for the investigation of the fate of thousands of persons who disappeared in Argentina under the last military dictatorship.

89. Yet after more than one year of intensive work, in which local personnel and experts also participated, much still remains to be done. Although it will take a considerable time to classify the information in question, there are three points which are noteworthy at this time: first, the spontaneity with which many diplomatic delegations accredited to Paraguay offered to cooperate in the solution of the technical and infrastructural problems raised by the discovery of the secret archives, which is indicative of the credibility that the country has achieved in this field; secondly, the dedication of and hard work done by the team formed by the two judges responsible for the archives and by the State Attorney-General; thirdly, the excellent idea of assigning representatives of NGOs active in the protection of human rights to this team. This point is of inestimable value, since many of the team's members were precisely those who personally experienced the terrible suffering reflected in these pages. We therefore extend our sincere gratitude to those who, through their struggle, are laying the more virtuous foundations of this young democracy.

V. CONCLUSIONS

90. The most innovative and outstanding features of the experience of cooperation with Paraguay during the past four years of democratic government have been the methods of work and inter-agency coordination, and the political context in which cooperation is taking place, in addition to the far-reaching changes in the actual content of the cooperation.

91. From the political standpoint, there is no doubt that the process of transition to democracy was the historical context which made possible the great progress in the field of cooperation, and also the many changes which have taken place in society as a whole.

92. In this way, the progress made at the national level in such decisive areas as human rights, public freedoms and political pluralism gradually changed the internal physiognomy of the country and the perception of the country abroad. Over a period of a few years, Paraguay has recovered its credibility, and interest in the country has been growing. This has in turn been reflected in a significant increase in external cooperation and greater opportunities for Paraguay.

93. For this reason, and in order to be able to evaluate correctly the crucial importance of external cooperation in areas of human priority for the consolidation of the democratic system in Paraguay, account must be taken of the fact that human rights, for example, were not only an essential pillar of the transition in the internal sphere, but also played a decisive role in Paraguay's recovery of external credibility and its reincorporation within the international community.

94. Another important aspect of the experience we are analysing has been the multiplier and diversifier effect on cooperation of the concept of human development. Unlike what happened in the past with international assistance, which was directed essentially towards economic and strictly technical performance, at present because of the positive impact of this new conception

of development, cooperation has diversified, covering non-traditional sectors such as human rights, ecology, the environment, indigenous peoples and the other areas of human priority outlined in this report.

95. In this way, in the light of the progress achieved in Paraguay, the benefits and advisability of extending cooperation to those sectors covered by the term "human priority" have been clearly demonstrated, as has the possibility of moving successfully into such sensitive or delicate areas as human rights, without thereby creating tension with Governments or affecting projects under way. On the contrary, experience has shown that undertakings of this kind, like those under way in El Salvador, may help to forge mature and constructive relations between the United Nations, the authorities of the country concerned and the other national agencies involved, such as non-governmental human rights organizations.

96. Furthermore, the example of Paraguay shows the advantages of putting into practice the various parameters established by UNDP in its successive reports on human development and highlights the falsity of arguments that those parameters are designed to restrict or impose conditions on international assistance, when in fact their purpose is to steer cooperation towards areas from which it has almost always been absent and where it is today needed more than ever, namely, the areas of human priority.

97. The substantial increase in technical assistance generated by the transition process and the consequent steady growth of activities have had as their immediate results: (a) a more active role by the local United Nations office; and (b) a need to achieve higher levels of harmony and coordination between the various components of cooperation.

98. An interesting aspect of the human rights project has been its low cost; with total contributions not exceeding $500,000 from UNDP, the Centre for Human Rights, the Centre for Social Development and Humanitarian Affairs, and the Government of Paraguay, it has been possible to undertake all the activities referred to in this report.

VI. RECOMMENDATIONS

99. The experience analysed, although relating to a single country, prompts us to suggest various courses of action which may be grouped under two different types of recommendations.

General recommendations

100. Taking into account the necessity and importance of increasing development assistance to reach and exceed the goal of 0.7 per cent of the GNP of donor countries, it is recommended that:

(a) External cooperation should be reoriented so as to adequately cover the various areas of human priority, such as human rights, judicial reform, ecological problems, peacemaking processes, action to combat poverty and social marginalization, the protection of indigenous communities, etc. In

brief, cooperation programmes must take careful account of the human dimension of development and, in particular, the positive impact of social investment on the acceleration of development;

(b) The parameters contained in the various reports on human development must be taken into account in the allocation of resources and the formulation of future cooperation strategies;

(c) The cooperation activities undertaken by the Centre for Human Rights in the context of advisory services or financed by the Voluntary Fund for Technical Cooperation, although of recent origin and very low in cost, have always, as in this case, had an extremely positive effect. For this reason, Governments are urged to increase their contributions to this Fund.

(d) Bearing in mind that inter-agency coordination has now become a prerequisite for the success of any programme, and noting the irreplaceable role played by local offices in this connection, it is essential to improve their facilities and to strengthen their staff with human rights specialists.

(e) Over and above the need to increase ODA funds, another key to the future is the development of technical cooperation based on the organization, training and maximum use of all available local resources, in particular existing human resources.

Specific recommendations for Paraguay

101. Bearing in mind the positive effect which technical cooperation in the field of human rights has had and the many needs that still have to be met, this cooperation should be maintained, and even increased, at least in the following areas:

(a) Judicial and prison reform; modernization and computerization of the whole system;

(b) Technical assistance in the drafting of the Penal Code and the Code of Criminal Procedure.

102. As a result of Paraguay's ratification of most of the international human rights instruments, there is now an imperative need to maintain a high level of advisory services in the following areas:

(a) The alignment of domestic law with international law;

(b) The preparation of reports and the formulation of replies to the many requests originating from the international human rights bodies;

(c) Training of judges, lawyers, members of the Public Prosecutor's Department, security personnel and all other law-enforcement officials.

103. Lastly, it is extremely important that there should be increased support for:

(a) The non-governmental human rights organizations which, in Paraguay, enjoy great prestige because of their history of action to combat oppression;

(b) Activities in support of the most vulnerable groups, such as children, rural women and indigenous peoples, including assistance in the establishment of a disabled persons' organization and financial support for its activities;

(c) Governmental and non-governmental programmes in the areas of formal and non-formal education;

(d) Libraries, documentation centres, educational institutions, universities, etc., offering, as appropriate, teaching material and specialized or other publications, and facilitating public access to that material.

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